

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 732

Introduced by Assembly Member Cooper
(Coauthors: Assembly Members Bigelow, Chávez, and Dahle)

February 25, 2015

An act to amend Sections 20751, 20754, 20755, 20756, 20757, 20758, 21283, 21283.5, 21285, 21288, 21288.5, 21563, and 21563.5 of, and to add Section 21060.4 to, the Food and Agricultural Code, relating to ~~livestock~~: *livestock*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 732, as amended, Cooper. ~~Cattle inspection: exemption. Cattle protection: brands: inspection: fees.~~

(1) Existing law establishes a system for the recordation of cattle brands and establishes various fees in connection with the recordation and the use of a brand, as specified. Existing law also establishes various inspection fees per cattle, as specified. Existing law requires these fees to be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund.

This bill would increase the inspection fees and other various fees in connection with the recordation and use of cattle brands. By increasing the amount of fees deposited in a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires cattle to be inspected before being moved or transported under certain circumstances, including whenever cattle

are sold. Existing law requires that inspection fees be paid at the point of inspection and that those fees be deposited into the Department of Food and Agriculture Fund.

This bill would exempt cattle that are being sold or whose ownership is being transferred from these inspection provisions if the individual or entity with a controlling interest in the cattle remains unchanged, if the cattle will not be moved out of state or out of a modified point-of-origin inspection area, and if the cattle are associated with either a registered brand or dairy exemption number. The bill would require, ~~at the time~~ *within 30 days* of ownership transfer, all persons who have ownership in the cattle, including both the transferor and the transferee, to self-certify, under penalty of perjury, to the Department of Food and Agriculture as to their ownership in the cattle ~~on in a form and in a time frame~~ *permit application* to be prescribed by the department. By creating a new crime, this bill would impose a state-mandated local program. *The bill would authorize the department to charge a fee to cover the reasonable costs of issuing or renewing the permit but would prohibit the fee from exceeding \$50 or the department’s actual costs of conducting these activities.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 20751 of the Food and Agricultural Code*
- 2 *is amended to read:*
- 3 20751. The fee for each application for recording a brand is
- 4 ~~sixty dollars (\$60).~~ *seventy dollars (\$70).*
- 5 *SEC. 2. Section 20754 of the Food and Agricultural Code is*
- 6 *amended to read:*
- 7 20754. Except as otherwise provided in Section 20755, the
- 8 owner of a brand shall, on or before April 30th after its recordation,
- 9 pay to the bureau a biennial period renewal fee of ~~sixty dollars~~
- 10 ~~(\$60)~~ *seventy dollars (\$70)* for the right to continue to use the
- 11 brand.

1 *SEC. 3. Section 20755 of the Food and Agricultural Code is*
2 *amended to read:*

3 20755. The owner of a recorded brand may, on or before April
4 30 of any year, pay in advance to the bureau a sum that is a multiple
5 of ~~sixty dollars (\$60)~~ *seventy dollars (\$70)*. The payment entitles
6 him or her to use the brand for a minimum of two years, but not
7 to exceed 10 years, at the rate of ~~thirty thirty-five dollars (\$30)~~
8 *(\$35)* per year on and after April 1 of that year. If the advance
9 payment is made, biennial renewals for the years within the period
10 for which advance payment has been made are not required.

11 *SEC. 4. Section 20756 of the Food and Agricultural Code is*
12 *amended to read:*

13 20756. If the right to use a brand is suspended for failure to
14 pay the renewal fee, it may be reinstated within one year from the
15 date of suspension upon the payment of the biennial renewal fee
16 of ~~sixty dollars (\$60)~~ *seventy dollars (\$70)* plus a twenty-five dollar
17 *(\$25)* penalty fee.

18 *SEC. 5. Section 20757 of the Food and Agricultural Code is*
19 *amended to read:*

20 20757. (a) Except as provided in subdivision (b), the fee for
21 rerecording a forfeited or canceled brand shall be one hundred
22 ~~twenty dollars (\$120)~~ *forty dollars (\$140)*. This amount shall
23 accompany the application to rerecord.

24 (b) When a penalty has been paid pursuant to Section 20222,
25 within 30 days of the date the application to rerecord is received
26 by the ~~director~~ *secretary*, the fee to rerecord shall be ~~sixty dollars~~
27 *(\$60)* *seventy dollars (\$70)*.

28 *SEC. 6. Section 20758 of the Food and Agricultural Code is*
29 *amended to read:*

30 20758. The fee for recording the transfer of a brand, including
31 a new certificate, is ~~sixty dollars (\$60)~~ *seventy dollars (\$70)*.

32 **SECTION 1.**

33 *SEC. 7. Section 21060.4 is added to the Food and Agricultural*
34 *Code, to read:*

35 21060.4. (a) Inspection is not required in cases where cattle
36 are sold or ownership is transferred under all of the following
37 circumstances:

38 (1) The individual or entity with a controlling interest in the
39 cattle remains unchanged.

1 (2) The cattle will not be moved out of state or out of a modified
 2 point-of-origin inspection area.

3 (3) The cattle are associated with either a registered brand or
 4 dairy exemption number.

5 (b) All persons who have ownership in the cattle, including both
 6 the transferor and the transferee, shall, ~~at the time~~ *within 30 days*
 7 of ownership transfer, self-certify, under penalty of perjury, to the
 8 department as to their ownership in the cattle ~~on in a form and in~~
 9 ~~a time frame~~ *permit application* prescribed by the department.

10 (c) *The department may charge a fee to cover the reasonable*
 11 *costs of issuing or renewing the permit identified in subdivision*
 12 *(b), but the fee shall not exceed fifty dollars (\$50) or the*
 13 *department's actual costs of conducting these activities.*

14 (e)

15 (d) An owner of cattle that is otherwise exempt from inspection
 16 pursuant to this section may elect to have that cattle inspected
 17 pursuant to Section 21051.

18 (d)

19 (e) A violation of this section shall be subject to the penalties
 20 described in Section 21051.3.

21 *SEC. 8. Section 21283 of the Food and Agricultural Code is*
 22 *amended to read:*

23 21283. (a) Unless otherwise provided in this article, inspection
 24 fees shall be paid at the point of inspection.

25 (b) The fee for inspection is one dollar and ~~five~~ *twenty-five* cents
 26 ~~(\$1.05)~~ *(\$1.25)* for each animal ~~which that~~ is inspected, except as
 27 follows:

28 (1) The fee for inspection at a registered feedlot, as defined in
 29 Section 20015, is ~~fifty-four~~ *sixty-four* cents ~~(\$0.54)~~ *(\$0.64)* for
 30 each animal ~~which that~~ is inspected.

31 (2) The fee for inspecting ~~any an~~ animal ~~which that~~ originated
 32 in another state and was shipped into this state for feeding direct
 33 to a registered feedlot is ~~thirty-six~~ *forty-three* cents ~~(\$0.36)~~ *(\$0.43)*
 34 for each animal ~~which that~~ is inspected.

35 (3) The fee for inspecting an animal ~~which that~~ was inspected
 36 at a posted stockyard or posted saleyard in this ~~state~~ *state*, and
 37 shipped direct to a registered ~~feedlot~~ *feedlot*, is ~~thirty-six~~ *forty-three*
 38 cents ~~(\$0.36)~~ *(\$0.43)* for each animal ~~which that~~ is inspected.

39 *SEC. 9. Section 21283.5 of the Food and Agricultural Code is*
 40 *amended to read:*

1 21283.5. Except as otherwise provided in this article, on all
2 private treaty transaction inspections, as defined in Section 20026,
3 regardless of destination, the fee of one dollar and ~~five~~ *twenty-five*
4 cents ~~(\$1.05)~~ *(\$1.25)* shall be paid at the point of inspection for
5 each animal ~~which~~ *that* is inspected.

6 *SEC. 10. Section 21285 of the Food and Agricultural Code is*
7 *amended to read:*

8 21285. The fee is one dollar and ~~five~~ *twenty-five* cents ~~(\$1.05)~~
9 *(\$1.25)* for the inspection before sale of each animal at a public
10 saleyard ~~which~~ *that* is posted by the Secretary of Agriculture of
11 the United States or at a public saleyard if the animal originated
12 in another state and it was shipped to this state, consigned to that
13 public stockyard or public saleyard.

14 *SEC. 11. Section 21288 of the Food and Agricultural Code is*
15 *amended to read:*

16 21288. In a modified point-of-origin inspection area, as
17 provided in Section 21111, the fee for the inspection of cattle,
18 other than suckling calves ~~which~~ *that* are accompanying their
19 mothers, is one dollar and ~~five~~ *twenty-five* cents ~~(\$1.05)~~ *(\$1.25)*
20 per head if the cattle are transported out of the area for purposes
21 other than sale or slaughter and no change of ownership is involved.

22 *SEC. 12. Section 21288.5 of the Food and Agricultural Code*
23 *is amended to read:*

24 21288.5. For cattle, other than suckling calves accompanying
25 their mothers, transported out of the state for purposes other than
26 sale or slaughter and where no change of ownership is ~~involved~~
27 *involved*, the inspection fee is one dollar and ~~five~~ *twenty-five* cents
28 ~~(\$1.05)~~ *(\$1.25)* per head.

29 *SEC. 13. Section 21563 of the Food and Agricultural Code is*
30 *amended to read:*

31 21563. Except as otherwise provided in this article, the fee
32 shall be paid at the point of inspection and is one dollar and
33 ~~forty-four~~ *seventy* cents ~~(\$1.44)~~ *(\$1.70)* for each carcass or hide
34 ~~which~~ *that* is inspected.

35 *SEC. 14. Section 21563.5 of the Food and Agricultural Code*
36 *is amended to read:*

37 21563.5. The fee for the inspection of each carcass or hide
38 shall be one dollar and ~~forty-four~~ *seventy* cents ~~(\$1.44)~~ *(\$1.70)* for
39 each carcass and hide originating in those counties or geographical

1 areas where a point-of-origin inspection is maintained pursuant to
2 Article 4 (commencing with Section 21141) of Chapter 6.
3 ~~SEC. 2.~~
4 *SEC. 15.* No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.